

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KUANG-BAO OU-YOUNG,
Plaintiff,
v.
BRUCE IVES, et al.,
Defendants.

Case No. [5:15-mc-80192-EJD](#)

**ORDER DENYING LEAVE TO FILE
COMPLAINT**

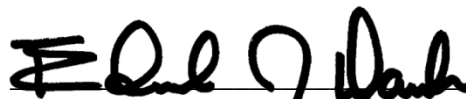
Plaintiff Kuang-Bao P. Ou-Young (“Plaintiff”) has been declared a vexatious litigant. See Docket Item No. 40, Case No. 3:13-cv-04442-EMC. He is also subject to a pre-filing order which specifically requires him to “obtain leave of court before filing any further suits alleging any violations of the federal criminal statutes, pursuant to 18 U.S.C. § 1512(b), 18 U.S.C. § 1512(c), and 18 U.S.C. § 371, and the FTCA, codified at 28 U.S.C. § 2671 et seq.” Id. Plaintiff presently seeks leave to file a Complaint against Bruce Ives and F. Joseph Warin for alleged violations of two statutes covered by the pre-filing order - § 1512(b) and § 1512(c). This is the seventh time he has presented this same Complaint, having been denied leave to file it on six previous occasions. See Case Nos. 5:14-mc-80332-BLF; 5:15-mc-80335-BLF; 3:14-mc-80343-WHA; 5:15-mc-80031-YGR; 5:15-mc-80151-EJD; 5:15-mc-80172-EJD. Once again, the court reviews the pleading to “determine whether Plaintiff has stated a potentially cognizable claim in a short, intelligible and plain statement.” See Docket Item No. 40, Case No. 3:13-cv-04442-EMC.

As was explained most recently on June 23, 2015, the criminal statutes referenced by Plaintiff do not provide for a private cause of action. Accordingly, the instant claims are barred by the pre-filing order because is no legal basis to support them. Leave to file the Complaint is

DENIED.

IT IS SO ORDERED.

Dated: July 2, 2015



EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California